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11 **VERIZON CORPORATE SERVICES CORP.**
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13 Attorneys for Plaintiffs
14 VERIZON CALIFORNIA INC.
VERIZON TRADEMARK SERVICES LLC
VERIZON LICENSING COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

18 VERIZON CALIFORNIA INC.; VERIZON
19 TRADEMARK SERVICES LLC; and
VERIZON LICENSING COMPANY.

Plaintiffs,

21 | VS.

22 ONLINENIC INC.; and DOES 1-10.

23 Defendants.

24

Case No. CV-08-2832-JF

**PLAINTIFFS' EX PARTE
APPLICATION TO RESCHEDULE
SEPTEMBER 19, 2008 CASE
MANAGEMENT CONFERENCE TO
DECEMBER 5, 2008**

Currently Scheduled for:

DATE: September 19, 2008
TIME: 10:30 a.m.
CTRIM: 3, 5th Floor

Proposed:

DATE: December 5, 2008
TIME: 10:30 a.m.
CTRIM: 3, 5th Floor

Hon. Jeremy Fogel

1 Plaintiffs, VERIZON CALIFORNIA INC., VERIZON TRADEMARK SERVICES
 2 LLC, and VERIZON LICENSING COMPANY (collectively "Plaintiffs"), by and through their
 3 attorneys, Christie, Parker & Hale, LLP, request the Court reschedule the September 19, 2008
 4 case management conference to December 5, 2008 because Plaintiffs, despite reasonable
 5 diligence, have been unable to effect service of the summons and the complaint on OnlineNIC
 6 Inc. ("Defendant").

7 Plaintiffs file this Application *ex parte* because they have been unable to serve
 8 Defendant. Neither Defendant nor counsel for Defendant has contacted Plaintiff's counsel
 9 regarding this suit despite that Defendant's designated agent and Chief Financial Officer
 10 received a copy of the complaint, summons, and related court documents. Plaintiff will attempt
 11 to deliver a copy of this Application to Defendant using first class mail to an address listed by
 12 Defendant for receiving mail, to facsimile using a facsimile number listed by Defendant on
 13 their website for receiving facsimile messages, and via electronic mail using an electronic mail
 14 address listed by Defendant on their website for receiving electronic mail.

15 Since Plaintiffs have been unable to make contact with Defendant, Plaintiff could not
 16 advise Defendant's counsel pursuant to Local Rule 7-19.1 regarding this Application.

17 Federal Rules of Civil Procedure Rule 16(b)(4) states that, "[a] schedule may be
 18 modified only for good cause and with the judge's consent." Plaintiffs have attempted with
 19 reasonable diligence to serve Defendant with the summons and complaint in this action.
 20 Plaintiffs have also attempted, with reasonable diligence to serve the Defendant's designated
 21 agent. To date, these efforts have failed.

22 Plaintiffs outline their attempts at service in further detail in the concurrently filed *Ex*
 23 *Parte* Application For An Order Authorizing Service By Hand Delivery Of The Summons And
 24 Complaint To The California Secretary of State. Briefly, Plaintiffs attempted to serve
 25 Defendant using a professional process server at the address Defendant listed with the
 26 California Secretary of State. Unfortunately, the listed address was not a valid address for
 27 Defendant. Plaintiffs conducted additional research in an attempt to locate Defendant's current
 28 address and identified two additional potential addresses. The first address, however, did not
 Plaintiffs' *Ex Parte* Application to
 Reschedule Case Mgmt. Conference -2-
 Case No. CV-08-2832-JF

1 appear to be a valid address for Defendant. It is unclear whether the second address, despite
 2 being listed by Defendant on its website, was a valid address for Defendant because persons
 3 working at that location claimed they were unaware of Defendant and that Defendant did not
 4 conduct business at the address.

5 Plaintiffs also attempted to serve Defendant's designated agent at the address Defendant
 6 listed with the California Secretary of State¹ using a professional process server, but, the
 7 designated agent was not located at that address. The professional process server was supplied
 8 with an additional possible business address for Defendant, however, attempts to personally
 9 serve Defendant or Defendant's designated agent at that address have also failed.

10 Plaintiffs have also mailed waivers of service, along with the summons and complaint,
 11 to Defendant at the address listed with the California Secretary of State, as well as an additional
 12 potential address of Defendant's business. The mailing to the address Defendant listed with the
 13 California Secretary of State was signed for by an unknown individual. The mailing to
 14 Defendant's additional address appears to have been signed for by Defendant's designated
 15 agent, however, the validity of the address (and hence the authenticity of the signature) remains
 16 suspect. Defendant have not returned the waiver², nor made any contact with Plaintiffs.

17 Since Plaintiffs cannot effectuate service on Defendant despite its diligent efforts,
 18 Plaintiffs are filing, concurrent with this Application, an *ex parte* Application for an order
 19 authorizing service by hand delivery of the summons and complaint to the California Secretary
 20 of State.

21 In view of the above information, and to allow Plaintiffs to effect service of the
 22 summons and the complaint on Defendant, allow time for Defendant to answer, and coordinate
 23 with the trial schedule of Plaintiff's counsel, Plaintiffs respectfully request the Court reschedule
 24

25 ///

26 ///

27 ///

28 ¹ The address Defendant lists for its designated agent is the same address listed for Defendant.

29 ² Return of the waiver of server is not due until September 14, 2008.

1 the September 19, 2008 Case Management Conference to December 5, 2008, or to a day
2 thereafter which is convenient for the Court.

3

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CHRISTIE, PARKER & HALE, LLP

5

6 DATED: September 3, 2008

By /s/ David J. Steele

7

David J. Steele

8

Howard A. Kroll

9

Attorneys for Plaintiffs

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VERIZON CALIFORNIA INC.

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VERIZON TRADEMARK SERVICES LLC

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VERIZON LICENSING COMPANY

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LLB IRV1115077.2-* 09/3/08 1:10 PM

CERTIFICATE OF SERVICE

I certify that on September 3, 2008, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as **PLAINTIFFS' EX PARTE APPLICATION TO RESCHEDULE SEPTEMBER 19, 2008 CASE MANAGEMENT CONFERENCE TO DECEMBER 5, 2008** was served on the party(ies) in this action via facsimile, electronic mail, and first-class mail, postage prepaid, certified, return receipt, addressed as follows:

Rex W. Liu
ONLINENIC INC.
2315 26th Avenue
San Francisco, CA 94116

Rex W. Liu
ONLINENIC INC.
351 Embarcadero E.
Oakland, CA 94606

Fax: 1-510-769-8487
Email: cs-us@OnlineNIC.com

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on September 3, 2008 at Newport Beach, California.

/s/ Linda L. Bolter

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VERIZON CALIFORNIA INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

18 VERIZON CALIFORNIA INC.; VERIZON
19 TRADEMARK SERVICES LLC; and
VERIZON LICENSING COMPANY.

Case No. CV-08-2832-JF

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' *EX PARTE*
APPLICATION TO RESCHEDULE
SEPTEMBER 19, 2008 CASE
MANAGEMENT CONFERENCE TO
DECEMBER 5, 2008**

Currently Scheduled for:
DATE: September 19, 2008
TIME: 10:30 a.m.
CTRM: 3, 5th Floor

Proposed:
DATE: December 5, 2008
TIME: 10:30 a.m.
CTRM: 3, 5th Floor

Hon. Jeremy Fogel

1 WHEREAS Plaintiffs VERIZON CALIFORNIA INC., VERIZON TRADEMARK
2 SERVICES LLC, AND VERIZON LICENSING COMPANY (collectively “Plaintiffs”),
3 despite reasonable diligence, have been unable to effectuate service of process on ONLINENIC
4 INC. (“Defendant”);

5 WHEREAS the Case Management Conference is currently set for September 19, 2008;

6 WHEREAS Defendant has not yet made an appearance in this case;

7 WHEREAS Plaintiffs have requested the Case Management Conference be rescheduled
8 to December 5, 2008, or to a day thereafter which is convenient for the Court, to allow for
9 service of process on Defendant;

10 IT IS HEREBY ORDERED THAT Plaintiffs' Ex Parte Application To Reschedule
11 Case Management Conference until December 5, 2008 at 10:30 am in Courtroom 3, 5th Floor,
12 is GRANTED.

14 IT IS SO ORDERED

16 DATED:

Jeremy Fogel
United States District Judge

LLB IRV1115081.1-* 09/3/08 2:51 PM

[Proposed] Order Granting Pltf's *Ex Parte* App. to Reschedule Case Mgmt. Conf. -2-
Case No. CV-08-2832-JF

CERTIFICATE OF SERVICE

I certify that on September 3, 2008, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as **[PROPOSED] ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION TO RESCHEDULE SEPTEMBER 19, 2008 CASE MANAGEMENT CONFERENCE TO DECEMBER 5, 2008** was served on the party(ies) in this action via facsimile, electronic mail, and first-class mail, postage prepaid, certified, return receipt, addressed as follows:

Rex W. Liu
ONLINENIC INC.
2315 26th Avenue
San Francisco, CA 94116

Rex W. Liu
ONLINENIC INC.
351 Embarcadero E.
Oakland, CA 94606

Fax: 1-510-769-8487
Email: cs-us@OnlineNIC.com

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on September 3, 2008 at Newport Beach, California.

/s/ Linda L. Bolter